

MINUTES

CASE NUMBER: 1:21-MJ-00028-WRP
CASE NAME: United States of America v. Nicholas R. Ochs
ATTY FOR PLAINTIFF: Kenneth Sorenson, AUSA
ATTY FOR DEFENDANT: Myles S. Breiner, Esq., *Retained*
U.S. PTS OFFICER: Erin Patrick

JUDGE:	Wes Reber Porter	REPORTER:	AT&T
DATE:	January 11, 2021	TIME:	9:30 a.m. – 9:45 a.m.

COURT ACTION: EP: TELEPHONIC INITIAL APPEARANCE

Defendant is in custody and present via telephone from the Federal Detention Center. Mr. Myles S. Breiner, Esq., retained counsel, represented that the Defendant waived his right to appear in person and consented to appear via telephone. The Court conducted a colloquy to confirm Defendant's waiver and consent.

Defendant waived the Identity Hearing. Waiver of Rule 5 & 5.1 Hearings to be filed. Commitment to Another District to be signed and filed.

The Court reviewed with Defendant that this was Defendant's first appearance in court and it was not the time to answer to the charge. Instead, an initial appearance hearing was to make sure that Defendant understood the general nature of the charge alleged in the Criminal Complaint, his Constitutional rights including his right to counsel, and to set further hearing dates in the case.

Counsel represented that he reviewed the Criminal Complaint with Defendant and that Defendant understands the general nature of the charge alleged in the Criminal Complaint. Defendant affirmed that he understood the general nature of the charge to the Court.

The Court advised the government of its obligation to produce all exculpatory evidence to the defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court. Rule 5(f) Order to be issued.

The Court took judicial notice of the U.S. Pretrial Services' Report, other documents on file and found the conditions recommended by Pretrial Services sufficient to reasonably assure the appearance of the defendant as required and the safety of the community.

Court adopted the recommendations of Pretrial Services and ordered the defendant released on an unsecured bond in the amount of: \$5,000.00 with the following conditions:

(7b) Comply with pretrial services supervision, and abide by all conditions of release as directed by Pretrial Services. You are required to inform Pretrial Services within 24 hours of any contact with law enforcement, including but not limited to, any arrest, questioning (excludes instant offense), or traffic stop.

(7h3) Travel is restricted to: the island of Oahu. You may travel to the District of Columbia for court purposes only.

Other Conditions: The defendant must abide by all current and future state and county orders relating to COVID-19. You must comply with all COVID-19 directives, including but not limited to: self-quarantine, social distancing, restricted travel, face coverings, etc. Unless otherwise directed by the Hawaii Department of Health (DOH), you shall quarantine in your residence for ten days (until January 21, 2021).

Other Conditions: The defendant is prohibited from unlawful entry into any government building.

Other Conditions: The defendant shall appear as directed for any court dates in the District of Hawaii and District of Columbia.

Other Conditions: The defendant is ordered released from custody forthwith. Upon receipt of the Abstract of Release, the Federal Detention Center – Honolulu is authorized to immediately release the defendant from custody.

These minutes will stand as the conditions of bond. IT IS SO ORDERED.

Abstract of Release filed.

Defendant to remain in custody at the Federal Detention Center until notification by Pretrial Services Office that all conditions of release have been satisfied.

Initial Appearance is set for January 15, 2021 at 1:00 p.m. EST, before United States District Court-District of Columbia Magistrate Judge G. Michael Harvey, by video teleconference. Court to provide videoconference information prior to the hearing.

Submitted by: Juliet Parker, Courtroom Manager